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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2010-256**

12 **CARLA PETTY MADDEN**

ACCUSATION

13 1704 W. Olive, #160
14 Porterville, California 93257

15 Registered Nurse License No. 536475

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
22 Department of Consumer Affairs.

23 **Registered Nurse License Information**

24 2. On or about September 8, 1997, the Board issued Registered Nurse License Number
25 536475 to Carla Petty Madden ("Respondent"). The registered nurse license was in full force and
26 effect at all times relevant to the charges brought herein. The registered nurse license expired on
27 February 28, 2009, and has not been renewed.

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STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

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1 **COST RECOVERY**

2 7. Code section 125.3 provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Criminal Convictions)**

8 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (f), in
9 that Respondent has been convicted of the following crimes that are substantially related to the
10 qualifications, functions or duties of a licensed registered nurse:

11 a. On March 17, 2009, in the Superior Court, County of Los Angeles, California, in the
12 matter entitled *People v. Carla Petty Madden*, Case No. GA075265, Respondent was convicted
13 by the court following her plea of guilty to a violation of Health and Code section 11350,
14 subdivision (a) (possession of a controlled substance, to wit, cocaine), a misdemeanor. The
15 circumstances of the crime are that on June 2, 2008, Los Angeles County Sheriff's Officers
16 observed Respondent sitting on the side of the road with a beer. The officers approached and
17 while Respondent was retrieving her identification from her vehicle, officers saw what appeared
18 to be rock cocaine in plain view. Respondent was subsequently arrested and charged with
19 possession of a controlled substance.

20 b. On January 12, 2009, in the Superior Court, County of Los Angeles, California, in the
21 matter entitled *People v. Carla Petty Madden*, Case No. 8PS03173, Respondent was convicted by
22 the court following her plea of nolo contendere to a violation of Penal Code section 647,
23 subdivision (b) (disorderly conduct, prostitution), a misdemeanor. The circumstances of the
24 crime are that on June 13, 2008, the Pasadena Police Department was conducting a "John
25 Program" in the City of Pasadena. Respondent approached an undercover officer and solicited
26 him for sex acts in exchange for money. Respondent was subsequently arrested and charged with
27 disorderly conduct, prostitution.

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